

Notice of Allowability

Application No.

10/801,365

Examiner

William P. Fletcher III

Applicant(s)

HENG ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment & response filed 16 May 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of applicant's amendment and response, filed 16 May 2005. To clarify the record at this point in the prosecution, claims 1-16 are pending.

Drawings

2. The drawings filed on 16 March 2004 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Response to Arguments

3. Applicant's arguments, filed in the above-mentioned response, with respect to the rejections set-forth in the prior Office action, have been fully considered.

While applicant has not explicitly defined the term "vapor phase aluminiding," the term does have an art-recognized meaning that is distinct from the pack process taught by Milaniak (see, for example, US 6,881,439 B2, cited by applicant in support of this position). Conventional vapor phase aluminiding utilizes a vapor source remote from the substrate to be coated, while the conventional pack process requires intimate contact of the vapor source with the substrate (i.e., the substrate is packed or buried in the vapor source). However, as is readily apparent even from the US 6,881,439 B2 reference cited by applicant, these two processes produce equivalent results. It is the examiner's position that, because these two processes are art-recognized equivalents, it would have been obvious to one of ordinary skill in the art to substitute one for the other (MPEP § 2144.06). Consequently, this argument is *not* persuasive.

Art Unit: 1762

As to the question of whether it would have been obvious to one of ordinary skill in the art to substitute tape for slurry in the process of Milaniak, applicant's argument *is* persuasive. Milaniak expressly states that a slurry is used in order to adequately coat the "complex internal passageways" of the substrate. In other words, the slurry can flow into and coat all of the otherwise inaccessible parts of the complex internal passageways. Further, Kircher (US 6,730,179 B2) teaches that uniform coatings on inaccessible portions of a substrate are difficult to achieve utilizing coating tape (2:46-53), suggesting that one of ordinary skill in the art may not have had a reasonable expectation of successfully substituting coating tape for coating slurry in order to coat the inaccessible regions of the substrate of Milaniak. Because tape requires selective and deliberate placement by the artisan, because the prior art neither teaches nor suggests the placement of tape in such "complex internal passageways," and because there is some suggestion that substituting tape for the slurry would not successfully coat these passageways, the rejections set-forth in the prior Office action are withdrawn.

Allowable Subject Matter

4. Claims 1-16 are allowed.
5. The following is an examiner's statement of reasons for allowance: The closest prior art was set-forth in the prior Office action. As detailed above, the rejections over this art have been withdrawn. Consequently the claims are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1762

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPF 7/28/2005
William Phillip Fletcher III
Patent Examiner, USPTO
Art Unit 1762


TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER